

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

PATENT

Date: November 21, 2006 By: Edwin P. Ching
Edwin P. Ching

Atty. Docket No.
GEC-001-2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gregory E. Conner

Serial No.: 10/771,057

Filed: February 3, 2004

For: NOVEL METHODS AND DEVICES
FOR TREATING LUNG
DYSFUNCTION

Examiner: Alstrum Acevedo, J.H.

Art Unit: 1616

INFORMATION DISCLOSURE

Woodside, California 94062

November 21, 2006

5 Commissioner for Patents
Alexandria, Virginia 22313

Honorable Sir:

10 Applicant submits a textual listing of the prior art relevant to the claims. The descriptions here correspond to the information on the forms 1449. The references were cited in the parent case and/or in the Specification.

Patent Documents:

15 US Pat 5,503,853 issued to Bollen, et al., published by the PCT February 6, 1992, describing prophylactic and therapeutic applications for peroxidases.

US Pat 6,149,908 issued to Claesson, et al., published by PCT July 31, 1997, describing use of lactoperoxidase, a peroxide donor and thiocyanate for the manufacture of a medicament for treating Helicobacter pylori infection.

20

Non-Patent Literature Documents

11/27/2006 YPOLITE1 00000017 10771057

Salathe, et al. (1997) Am. J. Respir. Cell Mol. Biol. 17:97-105, describing isolation and characterization of a peroxidase from the airway.

100.00 OP

Wang, et al. (1996) Proc. Nat'l Acad. Sci. USA 93:13182-13187, describing NADPH-oxidase and a hydrogen peroxide-sensitive K⁺ channel may function as an oxygen sensor complex in airway chemoreceptors and small cell lung carcinoma cell lines.

5 Bjork, et al. (1975) Applied Microbiology 30:199-204, describing antibacterial activity of the lactoperoxidase system in milk against Pseudomonads and other gram-negative bacteria.

Dacre and Tabershaw (1970) Arch. Environmental Health 21:47-49, describing thiocyanate in saliva and sputum.

10 Conner, et al. (2001) Am. J. Resp. Critic. Care Med. 163:A490, describing impaired thiocyanate transport in cystic fibrosis leads to an altered lactoperoxidase antibacterial system.

Lovaas (1992) Free Radical Biol. and Med. 13:187-195, describing free radical generation and coupled thiol oxidation by lactoperoxidase/SCN⁻/H₂O.

15 Thomas, et al. (1994) Infection and Immunity 62:529-535, describing antibacterial activity of hydrogen peroxide and the lactoperoxidase-hydrogen peroxide-thiocyanate system against oral streptococci.

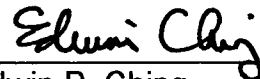
Conclusion

20 Applicant believes the document with \$180 fee satisfies rules on submitting an information disclosure statement in phase two.

Respectfully submitted,

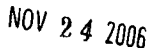
25

Date: November 21, 2006



Edwin P. Ching
Reg. No. 34,090
Attorney for Applicant

30 TEL: (916)955-6241



Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	one	of	two
-------	-----	----	-----

Complete if Known

Application Number	10/771,057
Filing Date	February 3, 2004
First Named Inventor	Gregory E. Conner
Art Unit	1616
Examiner Name	Alstrum-Acevedo, J.H.
Attorney Docket Number	GEC-001-2US

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

/James Alstrum Acevedo/

Considered

07/07/2008

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A./

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known			
		Application Number	10/771,057		
		Filing Date	02/03/2004		
		First Named Inventor	Gregory E. Conner		
		Art Unit	1616		
		Examiner Name	Alstrum Acevedo, James Henry		
Sheet	two	of	two	Attorney Docket Number	GEC-001-2US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Salathe, et al. (1997) "Isolation and characterization ..." Am. J. Respir. Cell Mol. Biol. 17:97-105	
		Wang, et al. (1996) "NADPH-oxidase and a hydrogen ..." Proc. Nat'l Acad. Sci. USA 93:13182-13187	
		Bjorck, et al. (1975) "Antibacterial activity of the ..." Applied Microbiol. 30:199-204	
		Dacre and Tabershaw (1970) "Thiocyanate in Saliva and Sputum: Relationship to Smoking and Industrial Hygiene" Arch. Environmental Health 21:47-49	
		Conner, et al. (2001) "Impaired thiocyanate transport ..." Am. J. Respir. Critic. Care Med. 163:A490	
		Lovaas (1992) "Free Radical Generation ..." Free Radical Biol. and Med. 13:187-195	
Not provided		Conner, et al. (2000) "The Lactoperoxidase System ..." Am. J. Respir. Cell Mol. Biol. 22:665-671	
		Thomas, et al. (1994) "Antibacterial activity of hydrogen peroxide ..." Infection and Immunity 62:529-535	

Examiner Signature	/James Alstrum Acevedo/	Date Considered	07/07/2008
--------------------	-------------------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A.A./